

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - RQR-14207 - APPLICANT: LAMAR
ADVERTISING - OWNER: REBEL OIL COMPANY, INC.**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 6, 2006 CITY
COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.
2. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
3. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
4. Only one advertising sign is permitted per sign face.
5. If the existing Off-Premise Advertising (Billboard) Sign structure is removed, this Special Use Permit shall be expunged and a new Off-Premise Advertising (Billboard) Sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
6. All City Code requirements and design standards of all City Departments shall be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a Required Four-Year Review of an approved Special Use Permit (U-0005-97) that allowed a 40-foot high, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign at 1080 South Rainbow Boulevard.

EXECUTIVE SUMMARY

This is the second review of the subject Off-Premise Advertising (Billboard) Sign. A site inspection revealed that the sign is in good condition. The sign received a building permit on 07/28/97 and was finalized on 10/21/97. Therefore, staff can support the subject Required Review and recommends approval of the subject application.

BACKGROUND INFORMATION

A) Related Actions

- 04/14/97 The City Council approved a Special Use Permit (U-0005-97) to allow a 40-foot high 14-foot x 48-foot high Off-Premise Advertising (Billboard) Sign at 1080 S. Rainbow Boulevard. The Board of Zoning Adjustment recommended denial, but staff recommended approval on 02/25/97.
- 08/21/02 The City Council approved a Required Five Year Review [U-0005-97(1)] of an approved Special Use Permit (U-0005-97) which allowed a 40-foot high, 14-foot x 48 foot Off-Premise Advertising (Billboard) Sign at 1080 South Rainbow Boulevard. The Planning Commission and staff recommended approval on 07/25/02.
- 07/13/06 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #15/bts).

B) Pre-Application Meeting

A pre-application meeting is not required for this application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application, nor was one held.

D) Building Permit History

A building permit was issued for the subject billboard on 07/28/97. The billboard was finalized on 10/21/97.

E) Site Inspection Information

A Site Inspection was completed on 06/26/06. The inspection revealed that the sign is in good condition. A condition has been included that requires the sign to be maintained and kept free of graffiti and clean at all times.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.56

B) Existing Land Use

Subject Property: Convenience Store
North: Commercial
South: Convenience Store
East: Commercial
West: Commercial

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: SC (Service Commercial)
East: SC (Service Commercial)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: C-1 (Limited Commercial)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance

This site is located on the Southwest Sector Map of the General Plan. On this map, the site is designated as SC (Service Commercial). This land use designation allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics.

The C-1 (Limited Commercial) zoning district, which currently applies to the site, is an appropriate zoning district within the SC (Service Commercial) land use designation. The proposed billboard use would be allowed within the context of the existing land use and zoning that applies to the site, subject to the approval of the subject case.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

There are no Special Area Plans, Overlay Districts or Study Areas that affect the subject site.

ANALYSIS

A) Zoning Code Compliance

A1) Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Proposed	Compliance
Location	No off-premise signs in the right-of-way	Sign is not in right-of-way	Y
	Permitted only in C-1, C-2, C-M, M Zoning Districts	Sign is in C-1 Zoning District	Y
Off-premise sign area (max.)	672 SF	672 SF	Y
Separation distance from other off-premise sign (min.)	300 Feet	300 Feet	Y

Separation distance from "U" or "R" zoning district	300 Feet	480 Feet	Y
Off-premise sign height (max.)	40 Feet, except 55 Feet for signs within 60 feet of ROW when significantly obscured	40 Feet	Y
Setbacks (min.)	50 Feet from nearest ROW intersection	60 feet	Y

The sign conforms to all separation standards for Off-Premise Advertising (Billboard) Signs.

B) General Analysis and Discussion

- Zoning

An Off-Premise Advertising (Billboard) Sign is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

- Use

Title 19.14.010 allows the removal of an Off-Premise Advertising (Billboard) Signs if conditions in the surrounding area have changed such that the Off-Premises Advertising (Billboard) Sign no longer meets the standards for approval. The billboard is located within an area that has remained unchanged. A condition of approval has been added requiring a review again in two years. A site inspection was completed on 06/26/06. The inspection revealed that the sign was in good condition with no graffiti or bird mess.

- Conditions from Required Review [U-0005-97(1)]

1. The Special Use Permit shall be reviewed in four years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.
2. If the existing Off-Premise Advertising (Billboard) Sign structure is removed, this Special Use Permit shall be expunged and a new Off-Premise Advertising (Billboard) Sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19A including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19A has been approved for the new structure by the City Council.

3. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
4. All City Code requirements and design standards of all City Departments shall be satisfied.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

Section 19.14.010 of the Las Vegas Municipal Code allows the removal of an Off-Premise Advertising (Billboard) Sign if conditions in the surrounding area have changed such that the Off-Premise Advertising (Billboard) Sign no longer meets the standards for approval of a Special Use Permit. Staff finds that the area immediately surrounding the subject site has not changed substantially since the approval of the Special Use Permit allowing the Off-Premise Advertising (Billboard) Sign.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

Staff finds there are no physical constraints to the location of the use on the subject site.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Staff finds the Off-Premise Advertising (Billboard) sign is located in an area served by Rainbow Boulevard and Charleston Boulevard, existing fully developed streets.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Staff finds the Off-Premise Advertising (Billboard) Sign will be subject to regular inspection and will not compromise the public health, safety or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 3

SENATE DISTRICT 8

NOTICES MAILED 276 by City Clerk

APPROVALS 0

PROTESTS 0